

# EXHIBIT B TO PLAINTIFFS' COMPLAINT



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[floodclaims@progressive.com](mailto:floodclaims@progressive.com)

05/15/2023

**SENT VIA E-MAIL & U.S.P.S. FIRST-CLASS MAIL**

Ollie McCoy  
C/o Morgan & Morgan  
Attn: William Maxwell Compton  
200 Stephenson Ave, Ste. 200  
Savannah, GA 31405

Re: Policyholder: Ollie McCoy  
Policy Number: 0FLD600430  
Date of Loss: 01/04/2023  
Date of Payment Request: 02/27/2023  
Claim Number: 21982-231101  
Insured Location: 775 Lovette Ln NE Atlanta, GA 30342-4350

Ollie McCoy c/o William Maxwell Compton,

ASI/Progressive has received and acknowledges receipt of a Sworn Statement in Proof of Loss, that references Policy Number 0FLD600430 with policy term 07/23/2022 to 07/23/2023. This Proof of Loss appears to be submitted in connection with the given loss date of 01/04/2023, reported that same day, for the property located at 775 Lovette Ln NE Atlanta, GA 30342. This Proof of Loss form is signed and dated 02/27/2023 by the named Policyholder(s) and uploaded to ASI/Progressive as part of a Status Report on 03/03/2023.

Please be advised that the Sworn Statement in Proof of Loss submitted and claiming the sum of \$202,724.26 ("Amount Claimed") under Coverage A-Building is herewith rejected as this Proof of Loss is not an accurate reflection of the indemnifiable damage covered by the policy.

According to the flood adjuster's report, no general condition of flood was confirmed as flood water appeared to have been isolated to only this property. Although there did appear to be water damage to the lowest floor of the insured building, the adjoining properties were not inundated with flood water based on flood adjuster interviews with neighbors at right and left of the risk location. Thus, we must respectfully deny your claim for flood damage to the insured building. Kindly refer to the SFIP Dwelling Form which states:

**I. AGREEMENT (p 1 of 30)**

...

C. We will pay you for direct physical loss by or from flood to your insured property if you:

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...

**II. DEFINITIONS** (pp. 1-2 of 30)

...

B. Flood, as used in this flood insurance policy, means:

1. A general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties (one of which is your property) from:
  - a. Overflow of inland or tidal waters;
  - b. Unusual and rapid accumulation or runoff of surface waters from any source;
  - c. Mudflow.

...

C. The following are the other key definitions we use in this policy:

...

14. Direct Physical Loss By or From Flood. Loss or damage to insured property, directly caused by a flood. There must be evidence of physical changes to the property.

...

**III. PROPERTY INSURED** (p. 3 of 30)

A. Coverage A—Building Property

We insure against direct physical loss by or from flood to:

...

Also, please be advised that certain claimed items such as the driveway, pavers, backyard granite sand, chain-link fence, and grass are not insured under your flood insurance policy, whether or not there is a general condition of flood. Thus, we must also respectfully deny this part of your flood claim. Please refer to your SFIP Dwelling Form, which states:

**IV. PROPERTY NOT INSURED** (pp. 11-12 of 30)

We do not cover any of the following property:

...

6. Land, land values, lawns, trees, shrubs, plants, growing crops, or animals;

...

9. Those portions of walks, walkways, decks, driveways, patios and other surfaces, all whether protected by a roof or not, located outside the perimeter, exterior walls of the insured building or the building in which the insured unit is located;

...

12. Fences, retaining walls, seawalls, bulkheads, wharves, piers, bridges, and docks;

...

We are hereby returning this document to you. Any other Proofs of Loss that may be filed by you will be considered an entirely new document.

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If you do not agree with our decision to deny your claim, in whole or in part, Federal Law allows you to appeal that decision within 60 days of the date of this denial letter. Please see your Policyholder Rights enclosed with this letter.

You may refer to a complete copy of the policy at:

[https://www.fema.gov/sites/default/files/documents/fema\\_F-122-Dwelling-SFIP\\_2021.pdf](https://www.fema.gov/sites/default/files/documents/fema_F-122-Dwelling-SFIP_2021.pdf)

If you have any questions regarding this claim, please give me a call.

Respectfully,



Francois Jean-Baptiste  
Flood Claims Examiner  
Progressive Flood  
Toll Free: (866) 511-0793, Ext. 5322  
Fax: (888) 308-9025  
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Cc:

Emailed to: [mcompton@forthepeople.com](mailto:mcompton@forthepeople.com)